

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Timothy Gerome McCullers**

**Docket No. 5:94-CR-97-6F**

**Petition for Action on Supervised Release**

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Timothy Gerome McCullers, who, upon an earlier plea of guilty to Conspiracy to Possess with Intent to Distribute Cocaine and Trading Food Stamps for Crack Cocaine, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on February 16, 1995, to the custody of the Bureau of Prisons for a term of 235 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.

On September 5, 1995, pursuant to a Rule 35 Motion, the defendant's term of imprisonment was modified to 180 months.

Timothy Gerome McCullers was released from custody on June 8, 2007, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On April 8, 2009, the defendant reported to the probation office and submitted a urine specimen that tested positive for cocaine. Upon questioning at that time by U.S. Probation Officer Tim Gupton, the defendant denied illegal drug use. When U.S. Probation Officer Scott Plaster addressed the illegal drug use with the defendant on April 15, 2009, the defendant admitted using cocaine on April 6, 2009. The defendant has been placed in the Surprise Urinalysis Program with a referral for substance abuse counseling. The defendant was also reprimanded for his decision to revert to illegal drug use as a means of coping with stress in his life.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall immediately serve two days of intermittent confinement in the custody of the Bureau of Prisons beginning at 6:00 p.m. on Friday until 6:00 p.m. on Sunday, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Bonnie J. Medlin  
Bonnie J. Medlin  
Senior U.S. Probation Officer

/s/ Scott Plaster  
Scott Plaster  
U.S. Probation Officer  
310 New Bern Avenue, Room 642  
Raleigh, NC 27601-1441  
Phone: (919) 861-0227  
Executed On: April 16, 2009

**ORDER OF COURT**

Considered and ordered this 17<sup>th</sup> day of April, 2009, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge